

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Higher Education Dept.- Sri Shaik Hussain, Principal (Retd.), Government Junior College, Dubbak, Medak District – Certain irregularities and misappropriation of Government funds while working as Principal, Government Junior College(B), Medak- Initiation of criminal proceedings besides recovery of misappropriated amount – Orders – Issued.

HIGHER EDUCATION (VC.I) DEPARTMENT

G.O.Ms.No. 81

Dated.16.10.2012,
Read the following:-

1. From the CIE, AP Lr.Rc.No.Ser.I-3/1368/2004, Dt. 29-01-2006 & dt.15-12-2006.
2. G.O.Rt.No.326 H.E.(VC.II) Dept., dt.04.05.2007.
3. From Sri Shaik Hussain, Principal (Retired), GJC, Dubbak, Medak Dist, written statement of defense dt. Nil.
4. G.O.Rt.No.3 H.E.(VC.II) Dept., dt.2-1-2009.
5. From the DIE, A.P., Lr.Rc.No.Ser.I-1/1368/2006, Dated. 27.01.2010 & dt.30-3-2010.
6. From the DIE, AP, Lr.Rc.No.Ser.I-1/1368/2004, Dated 20.12.2010.

ORDER:

In the reference first read above, the Commissioner of Intermediate Education, Andhra Pradesh has informed that in depth Inspection of the Regional Joint Director of Intermediate Education, Warangal has pointed out that Sri Shaik Hussain, Principal (Retired) while he worked as Principal at Government Junior College (B), Medak has irregularly paid approximately an amount of Rs.67,150/- to Sri R. Srinivas, Part-Time Junior Lecturer in Economics and an amount of Rs.57,571/- to Sri C.Yadagiri, Part-Time Junior Lecturer in Telugu towards remuneration arrears of summer vacation periods together with House Rent Allowance and the claim is not in order, as there is no provision to claim the remuneration for vacation periods.

2. The Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad has issued instructions for recovery of House Rent Allowance and summer salary drawn by the Part-Time Junior Lecturers. The Part-Time Junior Lecturers have approached the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A.No.1171/2005 and O.A.No.1408/2005, the Hon'ble A.P. Administrative Tribunal, Hyderabad in their orders dt.17.3.2005 and 29.3.2005 have stayed the recovery proceedings.

3. He has requested to initiate necessary disciplinary proceedings against Sri Shaik Hussain, Principal (Retired), Government Junior College, Dubbak, Medak District, under the Rule-9 of Andhra Pradesh Revised Pension Rules, 1980.

4. Government after careful examination of the matter, issued three articles of charges to the above Accused Officer vide reference 2nd read above.

5. Sri Shaik Hussain, Principal (Retired), Government Junior College, Dubbak, Medak District has submitted his written statement of defense vide reference 3rd read above stating that all the issues related to the period between 1997 to 2002, the 4 years period to the date of issue of the charges already over as per Rule 9 (2)(b) of the Andhra Pradesh Revised Pension Rules, 1980. He stated that issue of Article of charges and to initiate disciplinary action is contrary to the rules. Hence, he has requested the Government to drop all the three charges.

6. After examination of the matter, it has been observed that the incidents occurred between 1997 to 2002 and the charges were framed on 4.5.2007 i.e., after a lapse of 4 years. As per Rule 9 (2) (b) (ii) of the Andhra Pradesh Revised Pension Rules, 1980 the Government may not be taken any disciplinary action against him. But, as per rule 9 (7) of the Andhra Pradesh Revised Pension Rules, 1980 even through a Government Servant has retired from service and was not before his retirement charge sheeted, if Government are satisfied that the loss is due to him, shall recoup the pecuniary loss besides all Government dues (or local authority dues) from the Retirement Gratuity. For this purpose, it shall not be necessary to get the consent of the Government servant.

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7. Accordingly, in the reference 4th read above, the Regional Joint Director of Intermediate Education, Warangal was appointed as Inquiry Officer to conduct inquiry. The Inquiry Officer, in his enquiry report, has stated that the charges held proved against the Accused Officer and the exact amount of loss caused to Government by the Accused Officer is Rs.4,95,706/-.

8. Government after careful examination of the entire issue, decided to initiate criminal proceedings against Sri Shaik Hussain, Principal (Retired), Government Junior College, Dubbak, Medak District for irregular appointments made by him in violation of Act 2 of 1994 and to recover the pecuniary loss caused by him to the State exchequer which was estimated as Rs.4,95,706/- by withholding the Pensionary benefits such as Encashment of Earned Leave, Retirement Gratuity of the individual as per Rule 9 (7) of the Andhra Pradesh Revised Pension Rules, 1980 and by enforcing Revenue Recovery Act and as per the orders issued in G.O.Rt. No.1097, Finance (Pension.I) Dept., dt.22.6.2000.

9. Accordingly, Government hereby accord permission to the Commissioner of Intermediate Education, Andhra Pradesh to initiate criminal proceedings against Sri Shaik Hussain, Principal (Retired), Government Junior College, Dubbak, Medak District for irregular appointments made by him in violation of Act 2 of 1994. He is also directed to recover the pecuniary loss of Rs.4,95,706/- caused by Sri Shaik Hussain by withholding the Pensionary benefits such as Encashment of Earned Leave, Retirement Gratuity of the individual as per Rule 9 (7) of A.P. Revised Pension Rules, 1980 and by enforcing Revenue Recovery Act, 1864 as per the orders issued in G.O.Rt. No.1097, Finance (Pension. I) Dept., dt.22.6.2000.

10. The Commissioner of Intermediate Education, Andhra Pradesh, Hyderabad shall take necessary further action accordingly

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI,
PRINCIPAL SECRETARY TO GOVERNMENT (SE).

To

The Commissioner of Intermediate Education, A.P., Hyderabad.

The individual through the Commissioner of Intermediate Education, A.P., Hyderabad.

Copy to

The Secretary to VC, A.P. Vigilance Commission, Secretariat, Hyderabad.

The Finance (Pension.I) Dept.,

The Law (A) Dept.,

The Accountant General, A.P., Hyderabad.

SF/SC.

//FORWARDED::BY ORDER//

SECTION OFFICER.